

REMARKS

Claims 1-36 are pending in the application. Claims 1 and 18 are independent claims. Claims 1-36 stand rejected.

Claim Rejections – 35 USC § 112

Claims 1-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended the claims to address the issues raised by the examiner. Applicants submit that all indefiniteness issues have been overcome.

Claim Rejections – 35 USC § 102

Claims 1, 3-9, 11, 13, 17, 18, 20-26, 30-32, 36 are rejected under 35 U.S.C. 102(e) as being anticipated by US Publication 2003/0172010 (Butani).

Applicants respectfully traverse the rejection. Turning first to claim 1, claim 1 as amended recites:

retrieving a first data set indicative of system parameters of a first computing device;

retrieving a second data set *indicative of system parameters of a second computing device*;

determining at least one aspect of system parameters in the first data set that is different from a similar aspect of system parameters in the second data set; and

Regarding claim 1, the examiner indicates that Butani teaches:

determining at least one characteristic in the first data set that is different from a substantially similar characteristic in the second data set ("analysis may include identifying the differences . . . illustrating differences between different sets of data...". Paragraph 0041)

Comparing the claim as amended to the rejection prepared by the examiner and the teachings of Butani, makes clear that the invention is patentably distinct from Butani. While

Butani teaches analysis of differences between data sets, it does not teach determining the differences between system parameters on two distinct systems as is claimed. That distinction is used for the consolidation of computers, e.g., in a server farm. By contrast, Butani is directed to a completely different objective as noted in the following passage:

[0015] The systems and methods described herein permits a user or system to perform a variety of analysis functions related to a set of data. For example, the user can identify the most expensive components, what percentage of data is associated with a particular supplier or manufacturer, or the cost impact of changing one or more suppliers. The analysis process is flexible and allows the user to change analysis strategies, data elements and other parameters.

Accordingly, applicants submit that claim 1 is patentably distinct from Butani at least for the reasons described above. In as much as claims, 3-9, 11, 13 and 17 incorporate the limitations of claim 1, Applicants submit that they also patentably define over Butani for at least the same reasons.

Regarding independent claim 18, Applicants have amended that claim to further clarify the invention:

- . computer-readable instructions stored in a memory device and capable of determining at least one characteristic of the hardware, software or data on in the first data set that is different from a similar characteristic in the second data set; and
- computer-readable instruction stored in a memory device and capable of providing a visual depiction on an output device of the at least one difference whereby the differences are used to consolidate the software and data of the first device with the software and data of the second devices.

The claims as amended clarify that the different characteristics of the two systems are characteristics of the hardware, software or data of the first system. Differences between the two systems are determined that that information is used to consolidate the first device software onto the second device.

As indicated above, Butani is directed to a completely different problem. That distinction is apparent from the claims as amended. Accordingly, Applicants submit that claim 18 patentably defines over Butani. Inasmuch as claims 20-26, 30-32, 36 incorporate

the limitations of claim 18, they also patentably define over Butani for at least the same reasons.

Claim Rejections – 35 USC § 103

Claims 10, 12, 14, 15, 16, 27, 29, 32, 33, 34, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butani.

Inasmuch as claims 10, 12, 14, 15, and 16 incorporate the limitations of claim 1, they also patentably define over Butani for at least the reasons described above with respect to claim 1.

Inasmuch as claims 27, 29, 32, 33, 34, and 35 incorporate the limitations of claim 18, they also patentably define over Butani for at least the reasons described above with respect to claim 18.

CONCLUSION

In the view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the application for any reason, the Examiner is encouraged to contact Applicants' representative.

Date: June 13, 2008

/Michael J. Swope/
Michael J. Swope
Registration No. 38,041

Woodcock Washburn LLP
Cira Centre
2929 Arch Street, 12th Floor
Philadelphia, PA 19104-2891
Telephone: (215) 568-3100
Facsimile: (215) 568-3439